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He was at a place in the State of Delaware, on the night of the great explosion at Yorktown, Va., and one hundred and fifty miles distant from that city. The windows of his house were shaken in so remarkable a manner, that he could assign no other cause, but that of the explosion of the Yorktown powder magazines. Prof. Cresson mentioned an instance of a similar nature, which had come under his own observation, and, apparently, confirming Dr. Emerson's views.

Mr. Price read part of a paper entitled, "The Family, as an Element of Government."

#### THE FAMILY AS AN ELEMENT OF GOVERNMENT.

"God setteth the solitary in families."—PSALM 68:6.

It is with hesitation and misgiving that I bring this subject before you; fearing to detain your attention too long, and apprehensive that it may not be thought strictly appropriate for our discussion. That the subject most nearly relates to man and his well-being, and is to disclose the design of the Creator in regard to him, should not make it the less one, it seems to me, of philosophical inquiry and interest. And if from the physical we should rise, in our investigations, to the moral and social welfare of man, still the subject will retain all its philosophical fitness, and deserve our attention. Permit me, then, to confess at the outset that I cherish the design to do a moral good, in my limited ability, and the better to do it, I wish to borrow your prestige. I have thought that if you would listen with approbation, others will think it worth while to read, and that ideas deemed salutary to society, though familiar to you, may thus more favorably reach those to whom they are less known. I cannot promise you novelty, for in constantly observed human nature, law, and morals, there is not so much opportunity to discover anything new, as there is a duty to insist upon what is already known for our good; and as law and morals have for their object but to state and impress a sound rule of conduct in life, sound practical sense is the highest merit that a writer upon these subjects can hope to attain.

I am conscious of addressing some, who, as naturalists, are accustomed to study the nature and habits of living creatures lower in the scale of beings than man. These are studied with a laborious care, minuteness, and skill, and an exactness of classification, that is absolutely surprising to others who are differently occupied. And for

what is all this self-sacrificing patience of intellectual labor? Chiefly but to gratify a scientific curiosity, and to penetrate into the intents and wisdom of the Creator, as displayed in his works. It is but to elevate and advance our views in the same course of study, to consider man in his domestic, social, and political relations; but with this higher interest, that it is to study our own nature and highest welfare.

It is when legislation grows out of human wants, and accords most closely with nature, that it is most useful and enduring. We begin, therefore, at the right point, when we study the nature and needs of man, with purpose to legislate for his welfare. I propose, in this discourse, that we shall consider the human family, that we may duly estimate its importance as an element of government, and consider how much it should be favored by our personal influences, by judicial decision, by legislation, and in all our social regulations.

To sketch the history and formation of the family, is to go back to the origin of all society, and see it in its inception. "Male and female," God created the first parents; and these becoming the parents of children, the family is formed and bound together by ties inherent in our nature, and the strongest in nature. These partake of the character of an instinct, but are more than the instinct that rules inferior beings, for the parental and filial affections endure beyond any physical necessity, and end only with life, and not then without the earnest hope and passionate desire of the family reunion.

As the family increases, and the descendants multiply and marry, and again increase, the grandfather becomes the patriarch of a tribe. Tribes grow to be a people. In the lowest stage of society they live by hunting, fishing, and upon the spontaneous fruits of the earth; thence rise to be shepherds, and to feed their flocks, move from place to place. In pursuit of game and pasture they come into contact, and contesting for the territory that yields the needed supplies, they make war, and the men become warriors, and then the chief burden is cast upon women to support the family. The American Indians, when found in the north, were in this hunter state; Abraham and Lot were in the pastoral stage; and the Germans, in the time of Cæsar and Tacitus, were in the same stage, only cultivating the soil where the nation rested for a season, without any permanent division or ownership in it. In this condition families followed their military leaders; and as war was the principal business of each people, there was but slight development of the family institution, as we see it in civilized society. The separate home, with its sacred seclusion, ex-

cept as the door is opened by hospitality, was yet wanting to the civilization and happiness of mankind.

The earliest known occupation of our ancestral communities of Northern Europe, was that of shifting masses, moving forward as they had the desire and the strength, regardless of the rights of neighboring communities, except as the latter had power, for a time, to resist the ever onward pressure westward and southward. When these moving masses began to appropriate the soil, and to settle in fixed localities, it was under the feudal system, by which lands were temporarily allotted to military followers, upon condition of rendering military service, or needed supplies in kind. Hence titles came to be held upon tenures which only expired in our revolution. This degree of settlement ripened into greater certainty and duration of title, and the commutation of rents for military services. Villages and towns were built, but at first only at the base of hills, crowned by the castle of the military chieftain, who was their needed protector, as the inhabitants were his necessary retainers. Centuries passed before life and property became so secure as to admit of sparse habitations over the face of the country; and at this moment all Europe retains the features formed by the insecurity of the middle and prior ages of its history. There everywhere are yet seen the heights crowned by often crumbling castles, with the village or town beneath, while wide and distant tracts are cultivated, in small subdivisions, by villagers who each night return to their village homes.

As the arts advanced and towns grew into importance, and the military lords borrowed of the rich burghers, or sold them lands to obtain money to enter upon the crusade to Jernsalem, and commercial cities arose under royal charters, and formed leagues against the chiefs who had levied tribute on travellers and trade, a greater dependence was placed upon the central government or crown, and the people gradually became disenthralled of the local military despotisms. With a general government of law pervading a national territory, came security to families, and thence arose the modern civilization of Europe and America, the highest and most intelligent the world has yet known. In ancient Jerusalem, and Athens, and Rome, a high civilization and refinement had indeed been known, but that refinement became steeped in corruption; for the world had not then known the true source of the highest refinement of human manners; and when Christianity first spread over Southern Europe, while yet under Roman rule, it was slow to produce its legitimate effects, by reason of the previous deep corruption; so deep, indeed, that it could

only be cured by a fresh infusion of barbarian vigor, and the eradication of degenerate men. But the infusion of Huns, Goths, and Vandals, were rough materials for Christianity to mould into civilization.

Though rude and warlike, these invading hordes from the great Northern hive supplied the needed elements for the renovation of the corrupt descendants, now the fragments of the Roman Empire. These conquerors of the Empire became themselves captives to the Christianity of the conquered ; and that faith, a milder climate, and the more refined manners of the South, had their natural civilizing influences upon the new settlers in Southern Europe and Northern Africa. These brought not only their fresh and uncorrupted natures from the forests of Germany, but they also brought with them a characteristic peculiar to themselves, worth more than all the civilized effeminacy they displaced,—they brought with them a profound reverence for woman. Let us remember this, for it is the element of the world's highest civilization, next to Christianity, for nearly two thousand years, and is to co-operate with that faith in the indefinite future.

Of their earliest written history Tacitus gives the best account, and in this wise speaks of the sentiment of the ancient German mind towards their women, in whose presence they fought their battles, with the dreadful alternative that defeat would destine wives and daughters to the horrors of slavery : “ There is, in their opinion, something sacred in the female sex, and even the power of foreseeing future events. Their advice is, therefore, always heard ; they are frequently consulted, and their responses are deemed oracular. We have seen in the reign of Vespasian, the famous Veleda revered as a divinity by her countrymen. Before her time, Aurinia and others were held in equal veneration ; but a veneration founded on sentiment and superstition, free from that servile adulation which pretends to people heaven with human deities.” (Sec. viii.) Tacitus further says, “ Marriage is considered as a strict and sacred institution. In the national character there is nothing so truly commendable. To be contented with one wife is peculiar to the Germans. They differ in this respect from all savage nations.” (xviii.) “ In consequence of these manners, the marriage state is a life of affection and female constancy. The virtue of the woman is guarded from seduction. No public spectacles to seduce her ; no banquets to inflame her passions ; no baits of pleasure to disarm her virtue.” Her

very infrequent infidelity to the marriage vow was instantly visited by ignominious punishment, and unpardonable dishonor. (xix.)

This praise of the philosophical historian and censor of Roman morals, is given in manner to point the contrast with the corrupt manners of his own country. He had witnessed the effects of the vices that had largely brought marriage into disuse, at a period when Rome had been greatly depopulated by foreign and domestic wars; an evil which Augustus had sought to remedy by bringing marriages into credit by rewards and privileges, and celibacy into discredit by disfavor and penalties; and the censures of Tacitus stand in accord with those of Horace, and Juvenal, and St. Paul. In Asia the condition of woman was that of constrained seclusion; and, where not under restraint in Southern Europe, she enjoyed to abuse her liberty; led to do so by he who should have been the protector of her virtue. It was only when Christianity met the uncorrupted manners and better natural character of the uncivilized German nations, that came together the fitting elements needed to reconcile the European freedom of woman with her inviolate purity; and to make woman and the family instruments of the world's most perfect civilization and happiness. Yet we must never forget that Rome in her better days had her Lucretia, Cornelia, Portia, and even in evil times had her Agrippina, Arria, Cæcina, Fannia, Sophronia, Valeria, Paulina. Even then woman had the glory of resisting the tide of corruption, as she soon after had the glory of martyrdom in the establishment of the Christian faith, that was to do more than restore her to her former virtue and influential position.

Greece, the most cultivated of ancient nations, placed woman in a higher position than the Asiatics, yet placed her not so high as we see her, as the trusted counsellor and friend of her husband, as well as influential matron of the household. "The wife is housewife and nothing more," says Heeren. "Even the sublime Andromache, after that parting which will draw tears as long as there are eyes which can weep and hearts which can feel, is sent back to the apartments of the women, to superintend the labors of the maid-servants." "We meet with no trace of those elevated feelings, that romantic love, as it is very improperly termed, which results from a higher regard for the female sex. That love and that regard are traits peculiar to the Germanic nations, a result of the spirit of gallantry, but which we vainly look for in Greece. Yet here the Greeks stand between the East and the West. Although he was never to revere the female sex as beings of a higher order, he did not, like the Asiatic, imprison them by troops in a harem." (Heeren's Greece, 95.)

In speaking of peoples having a Germanic origin, those of England and Gaul are included, for these countries, before, as we know after their historic ages, had no doubt received accessions, or suffered conquests from the north of Germany, called the "womb of nations." Tacitus conjectured the Britons to have come from the neighboring continent. "You will find," he says, "in both nations the same religious rites, and the same superstition. The two languages differ but little;" he says, speaking of the Britons and the Gauls. (*Life of Agricola*, lxi.) After the Roman armies had been withdrawn, and the Picts and Scots made inroads, the Saxons, including the Engles, who gave name to England, were called in from the north of Germany; to whom succeeded the Danes, and afterwards the Normans, all of whom sprang from the same prolific source. Normans, though last from Normandy, meant Northmen; as Germans meant *gere-men*, or *war-men*; a generic name that described, by their most striking characteristic, the many peoples of Germany, who, under various names, bore down upon every country of Western and Southern Europe.

The Germans had no doubt a previous Eastern origin, since philology and other traces indicate that the stream of population had flowed from Central Asia, the real source of the German nations. Whatever had been their original condition, the masses moved westward, as hunting, pastoral, and warlike nations; conditions incompatible with the jealous seclusion of women, which has always characterized Southern Asia. Under the necessity of sharing the toils, hardships and dangers of husbands, fathers, and sons, who passed all of life in moving camps, seclusion and effeminacy were not the traits either of the sons of Tuisto or Odin, or of the daughters of Freya. Exposed to common dangers, and liable to be separated from husband and children by the fate of battle, and to become the slaves of the conquerors, a fate more terrible than death, their anxieties quickened their perceptions and foresight, and they became, beyond their husbands, thoughtful, astute, prophetic of the future; became their assistants in battle, the nurses of the wounded, the providers for the family; man's truest friend and counsellor. Life then was nearly a constant warfare; the soil was without fixed ownership; was sparsely appropriated, but while the crop of the season should mature and be gathered. By the law that sprang from their profound reverence for woman and the marriage relation, the husband was allowed no second wife to share with her his affections; nor was she permitted to take a second husband even after his death. Under this stern

abstemiousness, so different from the husband of Asiatic habits, or of Roman customs and manners, with their shocking facilities of divorce, the trusted and faithful wife held a most influential place in the family, as well as became a counsellor in public affairs. Hither, then, and to this rude age, it is believed, we may mainly trace the origin of that different treatment of women which has distinguished Northern and Western Europe, during all her historic period, from all the rest of the world, and which has largely contributed to place that smallest of the four continents in the front rank of the world's civilization; a sentiment and treatment which must continue to influence the world while the human race shall last.

It could not be otherwise than that woman should have attained to an exalted influence among the ancient inhabitants of Germany, when we further read from Tacitus how closely her fate was allied to her husband's and what was her participation in his achievements. "They fight in clans, he says, united by consanguinity, a family of warriors. Their tenderest pledges are near them in the field. In the heat of the engagement, the soldier hears the shrieks of his wife and the cries of his children. These are the darling witnesses of his conduct, the applauders of his valor, at once beloved and valued. The wounded seek their mothers and their wives. Undismayed at the sight, the women count each honorable scar, and suck the gushing blood. They are even hardy enough to mix with the combatants, administering refreshment, and exhorting them to deeds of valor. From tradition they have a variety of instances of armies put to the rout by the interposition of their wives and daughters again incited to renew the charge. Their women saw the ranks give way, and rushing forward in the instant, by the vehemence of their cries and supplication, by opposing their breasts to danger, and by representing the horrors of slavery, restored the order of battle. To a German mind the idea of a woman led into captivity is insupportable. In consequence of this prevailing sentiment, the states which deliver as hostages the daughters of illustrious families, are bound by the most effectual obligation." (*Manners of the Germans*, vii, viii.)

When the migratory nations in and from Germany, became fixed to localities by an appropriation of the soil and its use in agriculture, under the feudal system, and subject to its military services, which in England were only terminated by statute in 1660, the condition of private families became the more secure, and more subject to the meliorating influences of the mother, wife, and sister, so long as they

were held in respect and honor; and that they should be so held, there were the concurring causes of marriage to one wife, the inherited reverence for the sex, and the power of the Christian faith. This sentiment of loyalty to woman was the light and the life of the nations through the dark ages; and when ignorant and brutal men, in the security of their feudal castles, became the tyrants and oppressors of men and women, that sentiment was relumed with yet greater brightness, and produced the ages of chivalry. Then brave and thoughtful and humane men counted it their highest happiness and honor to relieve oppressed innocence in the championship of the honored sex. An enthusiastic sentiment, kindred to religious devotion, filled the breasts of the orders of knighthood; and woman was loved not only for what she was, but in the highest ideal that the enkindled imaginations of men could form of her excellence; and men and women were alike elevated in purity and character, as they truly cherished these exalted sentiments. The transition was easy and natural, and the chivalry of Europe became the crusaders of the East; then rejoicing both in a devotion to the ideal of woman's excellence and to the Cross of Christ. The Council of Clermont, which in 1095 authorized the first Crusade, formally recognized chivalry by declaring, "that every person of noble birth, on attaining twelve years of age, should take a solemn oath before the bishop of his diocese, to defend to the uttermost the oppressed, the widows and orphans; that women of noble birth, both married and single, should enjoy his special care; and that nothing should be wanting in him to render travelling safe, and to destroy the evils of tyranny." Thus did the church and religion lend their holy sanction to the high sentiment of humanity that gave life to chivalry. Yet observe, that oath was limited in its special application to "women of noble birth!" Better this than none; yet how narrow it seems in this age, and in a Christian republic.

How much better the sentiment I once heard from a Swedish artisan, who gave up his seat in the coach to take one on the top in the rain, to accommodate a plain woman who applied for a passage: "I always remember that my mother was a woman!"

Hallam, who thoroughly surveyed the history of the Middle Ages, says, "I am not sure that we could trace very minutely the condition of women for the period between the subversion of the Roman Empire and the first Crusade; but apparently man did not grossly abuse his superiority; and in point of civil rights, and even as to the inheri-

tance of property, the two sexes were placed as nearly on a level as the nature of such warlike societies would admit." (*Middle Ages*, 329.) It was a necessity of the military services to be rendered under the feudal system, that the eldest son should be preferred to the inheritance of lands held by military tenure. Hallam acknowledges that "A great respect for the female sex had always been a remarkable characteristic of the Northern nations. The German women were high-spirited and virtuous; qualities which might be causes or consequences of the veneration with which they were regarded." He should have said these qualities were both causes and consequences of that veneration. He speaks of the spirit of gallantry, cherished as the animating principle of chivalry, as due to the progressive refinement of society in the twelfth century, and he might also have acknowledged it a cause to produce that refinement; for by action and reaction, causes and effects for good or for evil, are of perpetual reciprocal operation; and hence the greater encouragement ever to strive for the good, since effects ever become causes in a ceaseless concatenation. Can we say less, when this our age rejoices in the beneficent effects of a sentiment that pervaded the breasts of our rude ancestors, two thousand years ago, in the forests of Germany? a sentiment then peculiar to them, and destined to become yet brighter in their descendants, and to illumine more widely the world, if men and women will but conceive and practise the highest excellence of which they are capable.

It is in Heeren's philosophical reflections upon Greece, that we find the truest expression of the source of European superiority over all other nations, howsoever much we may differ or agree as to the effect of climate or physical causes.

Similarity of climate does traverse the circumferences of the globe, in all its different latitudes, though the same degree of temperature follows waving geographical lines; yet the habits and manners of every people are diversified in degrees, much beyond all that can justly be ascribed to the single cause of the presence of heat or cold, clouds or sunshine; and immeasurably beyond the single cause of climate do the civilization, intelligence and power of the Europeans and their American descendants surpass those of all other nations. And, if all the causes of that difference be examined and considered, it is believed that no single one, other than religion, can justly claim an equal influence over the formation of character with that which results from the European family, and woman's power in the family, as there and here constituted.

After adverting to the physical causes of climate, soil, and geographical configuration, and the disadvantages of being yet in the shepherd state of the Tartars and Mongolians, among unsubdued forests, Heeren proceeds to ask, "But, can we derive from this physical difference, those moral advantages which were produced by the better regulation of domestic society? With this begins, in some measure, the history of the first culture of our continent. Tradition has not forgotten to inform us that Cecrops, when he founded his colonies among the savage inhabitants of Attica, instituted at the same time regular marriages; and who has not learned of Tacitus, the holy custom of our German ancestors? Is it merely the character of the climate which causes both sexes to ripen more gradually, and, at the same time more nearly simultaneously, and a cooler blood to flow in the veins of man; or, has a more delicate sentiment impressed upon the European a higher moral nobility, which determines the relations of the two sexes? Be this as it may, who does not perceive the decisive importance of the fact? Does not the wall of division which separates the inhabitants of the East from those of the West repose chiefly on this basis? And can it be doubted that this better domestic institution was essential to the progress of our political institutions? For, we make with confidence the remark, no nation where polygamy was established has ever obtained a free and well-ordered constitution. Whether these causes alone, or whether others beside them (for, who will deny that there may have been others?) procured for the Europeans their superiority, thus much is certain, that all Europe may now boast of this superiority. If the nations of the South preceded those of the North; if these were still wandering in their forests when those already had obtained their ripeness, they finally made up for their dilatoriness. Their time also came; the time when they could look down upon their Southern brethren with a just consciousness of superiority." (Heeren's Greece, 8.)

It is believed that such philosophers as Buckle are quite too limited in their conceptions, when they ascribe to material causes all the differences of national character. These have truly modifying influences; but human sentiments, thoughts, traditions, law, song, religion, may have yet greater effect to form the character of nations; that is, moral, mental, and religious causes may be more potential than the differences of the physical causes pervading the world.

The first inhabitants of Northern Germany, while in their pastoral state, could not have been influenced by physical causes essentially different from those which influenced their Mongolian relatives in

Asia; the elevated table land of the latter giving them the lower temperature that belongs to a higher latitude on the western side of that hemisphere. That is, as we go westward, we go further northward to keep in the same temperature, at the same elevation. The climate being similar, and the mode of life the same, the religion of both derived from the Indian mythology, and woman, necessarily the exposed companion of man, while both pursued a nomadic life, living in temporary huts, the physical causes operating upon the kindred people of Asia and Europe, under the same temperature, could be little different. Nothing can be pointed to as cause for the extraordinary disparity of results, except a different religion during later centuries, so significant as the German's high respect for woman, with a single wife and mother in his family; while his ancestral nations in Asia had no such exalted sentiment, or lost it, and continued to live in polygamy, with a liberty to divorce their wives at pleasure: causes heightened in effect by the acceptance of Christianity in Germany, and of Budhism, as the religion of Central Asia. From the rude and warlike Goths, Vandals, Huns, Lombards, Saxons, all parts of Europe have attained the highest and most intelligent civilization known to the world, while the Mongolians and Tartars have made no considerable advances in civilization since written history has furnished her narratives. It is true, a milder climate and the intermingling with civilized peoples in the south, helped the process of amelioration; but these causes could not operate in countries bordering on the Baltic and the German Ocean, which had no influx of people from the south; where yet may be traced a profounder respect for woman, and a more vigorous manhood than in the south of Europe.

The sentiment of devotion to the sex ran highest in its profession in the ages of chivalry and romance. But this was not the wholesome and practical condition of society, which we should recommend as best adapted for woman's true welfare and the true interest of society. Tournaments and courtly assemblages of the nobility were not the best school of her training. All that glittered so brightly, was not truthfully of intrinsic purity and value. Virtue is not best preserved where a prince and nobility enjoy by law, or privilege, or opinion, an immunity from the common responsibilities of men. Kings, who legally could do no wrong, became the greatest wrong-doers, and set examples to their courtiers, sure to be followed for evil in all the gradations of society. It was in the middle rank of

society, with its fewer temptations, that virtue chiefly took refuge ; and it was there that woman fulfilled her most useful duties in the family, and was held in highest regard. It is consequently in the greater equality of a republic where her power can be made to be most pervasive and useful ; and it is there that men and law should do all that is practicable to aid her best influences, and to sustain the conservative power of the family. Between a republican equality and a Christianity where all are equal in the Divine sight, there is the highest congeniality, and these double potencies should here place woman where she shall exercise her happiest influences.

The peoples of all Europe were virtually divided into classes, during the middle ages, and are so yet. There existed kings and queens, lords, nobility, gentry, and freemen, and yet another numerous class who were not freemen, and were not comprised nor secured in the rights of England's Magna Charta. These, and their children, belonged to their master, and all that they could acquire belonged to him. They were bound to his person or estate, could be reclaimed if they escaped, had no legal redress for wrongs done their persons, and were compelled to do the lowest work, and perform the most menial offices. They were called villeins, and were slaves of the same color and blood as their masters. The name they gave to our language signifies how they were regarded. It is obvious that their condition was, as all slavery is, wholly hostile to the attainment of the highest civilization, and to the best influences of the family relations, and that as regards both master and servant. This thraldom gradually wore out, under the beneficent influences of Christianity, and its last vestige disappeared under the first king of the line of Stuarts. Our own Magna Charta declared all men free and equal, and in terms made no distinction of class; yet was there an exception understood, and described in the Federal Constitution, of the worst phase of slavery.

In the same ages that slavery was expiring, as an effete institution, in England, the merchants of the same British nation and some of her colonists this side of the Atlantic, were busy in planting it in her colonies, and we took it as an inheritance at our Revolution ; and without its recognition, the Federal Constitution could not have embraced all the original thirteen of the United States. It was taken by part of the North as a hard necessity, while part voted for it. Its fruits have always been inimical to the best education, and to pure morals in the family, and are now felt in a bitter fratricidal war. Should

it expire as a consequence of that war, it will relieve the Northern conscience of a long-endured sense of national wrong.

That a people may be happy and virtuous, all must be of equal civil rights, and of one grade, except as talents and culture and virtue make individual differences; otherwise it is in human nature that the favored class or classes will degrade and oppress those of lower rank. Woman must be protected by severe laws in all her personal rights, as with us she is, and also by a sound public opinion. Man must not, by law or public opinion, be suffered to have an impunity in trampling upon the weak, or of arrogating to himself more of God's best gift to him, than the proportion provided by the Author of nature. Slavery and polygamy are both incompatible with a just equality of rights, and with human happiness, and are especially destructive of the virtue and beneficent influences of the family. They are evils and wrongs, whose extirpation is always a question but of the means and time of execution.

Marriage between one man and one woman, with fidelity to the marriage vow, is the natural order from which man and woman derive their fullest happiness, and society its best welfare. The equality in the number of the sexes, through all the centuries of time, shows the Creative purpose that but two should become the parents of the family, and when but two, these have the highest incentives of mutual effort for the welfare of the family, without the jealousies and strifes and degradation incident to polygamy. United in affection and counsels, each sustaining the courage and confidence of the other, the two attain a success greater than the aggregate of their separate efforts; their kindly feelings towards each other and their children, have their natural exercise, and these are happiness; and they escape the idiosyncrasies which sometimes make singular those who pass unwedded through life.

Those temperate observances which belong to the family thus constituted, save from the severe penalties that spring from a capricious incontinence, and from a terrible disease, that seems to have been set as a guard to vindicate the natural law of temperance, modesty, and discretion. Population then increases faster, children are better nurtured, more healthy and happy, and become better citizens, for all social and industrial purposes, and for the support of the government. The family, too, if fidelity be observed to its relations and duties, saves man from his worst enemy, himself; saves him from vices that extinguish his affections, vices that cannot be habitually followed without turning his heart to stone. When celibacy and cor-

ruption become the rule, the state is lost: Rome would not have fallen before the barbarians, if the Roman people had not first been diminished and weakened by the loss of the virtues that sustain the family. Their frequent and unscrupulous divorces and transfers by new marriages were more cruel and demoralizing than an authorized and regulated Asiatic polygamy.

The family constituted as we see it, is the most healthy and happy arrangement, though susceptible of some improvement in the best, and of great improvement in the many. There only is found a mutual sympathy and support, many defences against the assailing evils of life, to which separately its members would succumb. While writing these pages I have received the Fourteenth Annual Report of the Mission in the Insane Hospital of our city. The experienced, faithful, and observant chaplain says, "We must remember that the quiet comforts of home do much to keep in tune the harp of a thousand strings. And this brings up the collateral thought that the divine institute of the family builds a wall around the intellect as well as the heart. The isolation of a homeless and unsettled life has always done much to develop morbid mental conditions. The brains which yield are not generally those of the toiling heads of families; the detached in society succumb the soonest. We think the tables of our institutions catalogue this result. Hence, whatever in our social habits inhibits the general prevalence of the matrimonial relation, adds to the harvest of alienated mind. A rational home culture will soon depopulate our asylums; but when will this culture prevail among us?" The Rev. Edward C. Jones, who thus speaks, then adverts to the evil of a demand for wealth before the young will risk settlement in life, instead of being mutually willing to live simply, exertively, and happily, as the chief cause of discouragement of marriages.

It is in sickness and sorrow, "when pain and anguish wring the brow," that the home becomes indispensable to human cure and preservation. One who writes forcibly from observation, and with a humane feeling, though too often disposed to raise a veil that modesty should forbid, says truly, "Nature has bound up life within a triple and absolute tie. Man, woman, child: separately they are sure to perish, and are only saved together." (Michelet.) And many and sad are the proofs he gives in his own country, France; that gayest and saddest country on earth; whose celibacy, and marriage with its sacred pledges unobserved, are alike productive of immensity of misery. Paris is at once the centre of the world's

most brilliant displays of wealth and fashion, and of the exhibition of the most deplorable vice and misery; here in constant and closest contact and shocking contrast. Her levity and brilliancy cannot mask, and, therefore, but mock her woe.

The causes operative there to produce these results, should be beacon warnings to us. There, though there be not legal slavery, is every inequality of rank and wealth, with laws to perpetuate that inequality. There has long been suffered an unhappy loss of religious faith, that has dissolved the sacred attachments of family, and made a jest of promises that should be regarded as holy. There abound women more than can find honest employment and adequate remuneration; and many more men than can obtain wages to maintain themselves and family. These form not families, and know not their salutary restraints, nor enjoy their conservative happiness. Hence the same author says of his own nation, "Woman is no longer esteemed for the love and happiness of man, still less for maternity; but as an operative." Let us hope this is but the darkest side of the picture, portrayed by one who, though painting from the life, paints with strongly contrasting colors. Yet are there writers there who have given us perfect portraiture of women, found even in France.

It is to the families of the commonwealth that nearly all of moral training is to be traced. There the sentiments and principles of religion are effectually cherished and enforced. There spring the impulses of charity, that often surpass in contribution the aggregate of the public revenues. There the sentiments that give tone to public opinion are formed; an opinion that makes and executes the law, and guides the national policy. The families of society are the ballast of the commonwealth, that preserves law and order, in the midst of excitement and disorder, and restores tranquillity after a state has been convulsed by violence and rebellion.

And does the Government demand soldiers for its defence under those circumstances which have occurred in all history, in a world with elements of evil as well as good? It is in the families of the commonwealth that they are to be found in greatest numbers, with the best physical development, and best moral training; with patriotism, loyalty, and intelligent efficiency. These bring with them a double pledge of fidelity, in the love of the family, whose eyes are upon them, and the love of country. These act under a sense of duty that the homeless cannot know. Though war can only spring from evil, and no war can ever arise where one party is not in the

wrong, to provoke or bring it on, we must admit individuals may, nay, must, act under the most exalted sense of duty, when they peril life for the love of their country.

Professor Peabody bears strong testimony to the value of the family in this comprehensive summary. "While filial obedience alone can train worthy subjects to the state, there are yet other aspects in which Government depends on the home-life, and is sustained by the family relation, so that, for a homeless community, anarchy or despotism would be the alternative. To an incalculable degree the home instinct supplies the place of law, supersedes the harsher ministries of government, prevents crime, anticipates want, divides and lightens burdens, which else no public organizations could bear. The gravitation toward home is in every nation a stronger force than its police and armies are or can be, and accomplishes many purposes of prime importance which they could in no way fulfil. The few homeless members of a community are of immeasurably more charge, burden, and peril to its constituted authorities, than the overwhelming majority that have homes." As much then as we should hold government and law in honor, and cherish the sentiment of loyalty to it, we owe the like regard to that smallest civil institution, the family; for without it social order could not exist, government could not live, except it be as a despotic force, to rule by military restraint the chaotic elements of an unorganized people, preferring misrule, license, and disorder. Such people could be no law or police to themselves.

To encourage the family and its beneficent influences, we must discourage all that militates against it. All systems of communism that tend to loosen the ties of family, or to dissever those ties, or to prevent the formation of families, are to be discountenanced as normal institutions. Indeed, from the nature of man, these can never be the general order of society. Spartan citizens may be separated from their families, and be trained to the endurance of self-denials and hardships, and to the observance of secrecy, by the iron discipline of a Lycurgus; and religious orders, fleeing from the world, repentant of their sins, may carry their self-discipline and penitential inflictions to the extreme of human endurance, as imposed by a head inexorable as a Loyola; but surely these results will be attained at the fearful sacrifice of all that is genial in social life, and of all that can make this life a happiness to its possessor. Modern reform communities may be formed with the good purpose to make life more cheerful and happy, as we have seen a number in our day; to

obtain more economically the physical means of livelihood, with more of literature, science, and social amusement. Yet such a social community is an artificial creation ; and not resting on a natural basis, it is formed but for a transient existence, and then to expire. There are always in these too many heterogeneous elements brought together ; and these have not the powerful family interests and affections to preserve harmony, or to produce reconciliation. Diversify the employments, instructions, and amusements as you may, the machine, if it moves smoothly, will move monotonously ; and if it will not move smoothly, the parts will clash ; and in either way will run down, without power to wind itself up.

There are, it is true, religious communities, enjoying celibacy, which have an enduring existence. The deeply absorbing interests of a common faith and worship, and sometimes more potently, perhaps, persecution, holds them together. Their members are the exceptional beings who have renounced the affections and ties of the world, as well as sought refuge from its temptations and trials ; have also renounced in part the affections of their own nature ; and, except as they can anticipate the joys of heaven, theirs seem to us to be but as a semi-life, or a semi-death. Yet these institutions have a mission on earth that is touching to the sentiment of humanity. They are places of retreat for those stricken with sorrow ; those for whom this world's flowers of hope are blighted, its fruits been turned to ashes ; foot-sore pilgrims, who, without joy in life, dare not anticipate that transition they so much desire. Here these may tranquilly rest, and waiting, not only find the consolations of devotion, but in their visitations of mercy to the afflicted, or in the education of youth, may become the best of human benefactors. Yet these must be exceptional, or the world would not be peopled, nor souls be multiplied for earth or heaven. It is the family of parents and children that we must look to as the true source of population, of moral and educational training, and as the natural basis of society and good government. God has instituted it, and it must so abide forever ; and we must care for its members as we would save society.

Have I seemed to place undue importance on the power of woman and the family to advance the world's well being ? Listen then to some of the world's eminent theoretical legislators.

Jeremy Bentham, in his Theory of Legislation says, "Marriage, considered as a contract, has drawn woman from the severest and most humiliating servitude ; it has distributed the mass of the community into distinct families ; it has created a domestic magistracy ; it

has formed citizens ; it has extended the views of men to the future, through affection for the rising generation ; it has multiplied social sympathies. To perceive all its benefits, it is only necessary to imagine what men would be without the institution."

The Baron William Von Humboldt, formerly Privy Councillor of State and Minister of Worship and Public Instruction in Prussia, in his treatise on "The Sphere and Duties of Government," speaks upon the subject in language more closely bordering on eulogy, and ascribes to woman a higher ideal of human excellence, both in her conception of it, and in her practical fulfilment of that conception. He advises against governmental interference in the formation and regulation of a relation so delicate as that of matrimony, which must rest, to be successful of happiness, on mutual inclinations ; though the government be most deeply interested in population, and the early training of youth. He says, "After careful observation, it has been found that the uninterrupted union of one man with one woman is most conducive to population ; and it is likewise undeniably that no other union springs from true, natural, harmonious love." He, while disclaiming the policy of the state's interference by law that commands, to mould the arrangements that belong to nature's mysterious elective affinities and to the sacred precinct of the family, bears his testimony to the fact, that "experience frequently convinces us that just where law has imposed no fetters, morality most surely binds." And as it is wise for the law to forbear the exercise of its coercive power, so long as inclination and a sense of duty rule to the end the law most desires, so the husband, with whom is the final family authority, should forbear to interfere so long as the wife and mother are, with adequate intelligence, performing the functions of domestic rule, with a wiser government of blended authority and affection than belong to his sterner nature. Of woman's fitness for this high task he speaks in terms of glowing eulogy, surpassing those I would think proper before this grave audience ; for in her he beholds concentrated "each human excellence," "the whole treasure of morality and order;" saying, with the poet,

"Man strives for freedom, woman still for order."

That "while the former strives earnestly to remove the external barriers which oppose his development, woman's careful hand prescribes that inner restraint, within whose limits alone the fulness of power can refine itself to perfect issues ; and she defines the circle with more delicate precision, in that every sense is more faithful to her simple

behests, spares her that laborious subtilizing which so often tends to enmesh and obscure the truth, and enables her to see more clearly through the intricate confusion of human relations, and fathom at once the innermost springs of human being." This is modern German testimony to an inherent quality in woman, from a highly cultivated source, in a civilized age; yet in accord with that borne by Tacitus, as to the ancestors of the same race, living on the same spot, nearly two thousand years before, but then, by polite Rome, called "savage."

The Baron Humboldt is evidently speaking of a woman of superior intuitions and culture; and unless the wife and mother be of an intelligence and disposition to enable her to fulfil her domestic duties in a successful manner, all that is here averred to be her appropriate and beneficent power and influence will be without its assumed foundation. We see then what should be the endeavor, that woman may fulfil her mission to the world; we may also see what this should be by countless examples; examples which should be made the prevailing examples, that society may attain its highest, happiest condition. Of such, we may agree, the poet is not extravagant in description and praise:

"A being breathing thoughtful breath,  
A traveller betwixt life and death;  
The reason fair, the temperate will,  
Endurance, foresight, strength and skill."

"With yet a spirit still and bright,  
With something of an angel light."

WORDSWORTH.

And, elevating our views above the ordinary affairs of life, it is in the wife and daughter, with their higher susceptibility to a religious faith, men find the most persuasive influence to believe and act as they, with a purer purpose and more earnest hope; since the fruits are so surely demonstrative of the truth of their faith, in the practically seen beauty and happiness of holiness. Whatever may be the difficulty or obstruction in the mind of the father of the family, none who truly loves his children, and looks forward to their welfare through life, and in its exit, but desires that they may possess the pure and unhesitating faith of their mother; that they may the better resist evil, and be sustained in trials, in sickness, and in death. And it must be conceded that it is mainly in woman's more susceptible sympathies and intuitive initiation in Christian truth, that she has very often been a pioneer of Christianity and the world's civilization. For one, I confess to the long-entertained belief, that if woman had

not been constituted with more humanizing tendencies and a more trustful faith than man, religion could have had but little hold upon mankind, and civilization would never have been. I say this with the same deliberate carefulness of observation and thought, with which the naturalist gives us the result of his careful observation of what he describes in the animal kingdom.

The family is indeed a divine institution, and beneficent in all its influences. The first thought of it, in the mind of virtuous youth, is highly educational, by impulses that are of Creative origin. As surely as that the pulsations of life have been given by the Creator, so surely must have proceeded from Him the emotions that conduct to the connubial compact; and these are, or should be, elevating and refining. Youth has a quick perception of the comely in person, graceful in manners, and perfect in moral excellence, and beholds these qualities to admire and emulate them. And what they admire the two sexes seek to be, that they may be acceptable to each other. This saves the young man from the peril of degrading association; and it is under the influence of love, and in obedience to its requisitions, that man is inspired to dare and achieve. It is by this that the world receives in the great aggregate, its mightiest onward impulsion. Man, nor woman, would ever struggle, strive and achieve as we witness, but to be united in happiness and to maintain and elevate the family in comfort, respect, and honor. Without the family, society would lose more than half its industry and enterprise; the nation much more than half its resources and reliance for the maintenance of order and of good government.

The law calls marriage a civil contract: it is not the less a religious one,—religious, by the law of nature, and by the law divine. The Holy Scriptures bestow upon it their highest sanction, and in all its relations their terse and comprehensive commands. Have said of the husband and wife, "They shall be of one flesh." Have given the commands, "Husbands, love your wives;" "Wives, submit yourselves unto your husbands." Have bid him remember that she is "the glory of the man." They have said to the child, "Honour thy father and thy mother;" to "children, obey your parents;" to "fathers, provoke not your children to wrath;" to servants, "count their masters worthy of all honor;" to masters, know "that your Master is also in heaven." And Jesus called the little ones unto him, saying, "Of such is the kingdom of heaven." Thus on every side all those who make the family, are the objects of the Divine regard and protection. And on this sacred authority, in living with our children, unless we have

marred Heaven's highest gift, we are already loving those nearest like unto celestial beings.

In considering the members of this little community, whose repetitions make the commonwealth, it is unprofitable to advert to the often contested point of the mental superiority of the sexes; for each is incomparably superior to the other, in the respective spheres of action most obviously assigned them by their Creator. Without their inherent differences the family could not be made up; would not have its sustaining attraction and interest. These differences make the accord of the whole. Without the husband performed the duties for the family he is best fitted to fulfil, or, if the wife performed not those she is best qualified to perform, they never would be well performed; and without the beautiful relations which we perceive to be harmoniously maintained under the influence of the affections, the family could not continue to exist; and with the loss of these domestic ties and relations, all that is most humanizing and conservative of the welfare of the race would be lost. It is very true, as Michelet says, "To educate a daughter is to educate society itself. Society proceeds from the family, of which the wife is the living bond."

Are we curious to consider the nature of the government that belongs to the family? Let us try the comparison then between this and other forms of government. It is not a monarchy; nor an aristocracy; nor a republic. True, the law regards the husband as its head; and in relation to law and to the political government, this is generally his position. But in the family, happily constituted, he is not king, nor sole ruler. The wife and mother must share his rule, and must constantly perform many the most duties of that rule. Yet, is she not queen; at least, not queen-absolute; for his authority is paramount, if, unhappily, they differ. But she is more than queen-consort; for the government is not that which He intended who set them in family, if their power be not conjoint and harmonious. If the husband be wise, and wisely mated, the ostensible rule of the family will be hers, who is most constantly present to regulate, order, and compose all differences. She will, therefore, be more than queen-regent; for she exerts, not a merely delegated, but her own authority, as well as his; with the advantage of his counsel in the executive council chamber of two; where, indeed, he may have a veto power, to be sparingly exercised. What she is, and what she will do, if she be prudent and wise and exertive, the mother of King Lemuel has inimitably described: "Her price is above rubies. The

heart of her husband doth safely trust her." "She openeth her mouth with wisdom, and in her tongue is the law of kindness. She looketh well to the ways of her household, and eateth not the bread of idleness." (Prov. 31.)

This domestic rule combines powers that would be most dangerous, if united in the hands of a single political executive; of one who combines the legislative, judicial, and executive authority. But in the institution of the family, this concentration of powers is not dangerous, as a general rule, while it must necessarily exist. They are virtually in one; for in their exercise, husband and wife must act as one. Their dual reign must have the concert of unity of counsel and of action; will be tempered by the love of children and their love of each other; and will be restrained by the ceaseless consciousness towards the residue of the family, that they who are masters on earth, "have a Master in heaven." If these influences be forgotten, the family is not that which God intended to set together; and he who violates that intent, is traitor both to God and his own happiness. He who is despot in his family, must expect that family to reflect no joy to him. And many there are who perform their moral obligations respectably well, who know not how much more of happiness lies unelicited within their easy reach, for want of genial and social attractiveness to wife and children; whose happy social sensibilities are chilled, or not drawn forth in those reciprocations that give home its joys and life its purest happiness.

Pardon my having so long dwelt upon that which is obvious to you all. It is with purpose to impress upon others, and women themselves, how available may be made their influence and that of the family, for the advancement of human welfare and civilization. Evidently, the Creator has intended the fulfilment of a higher mission than man or woman has yet generally fulfilled. Countless are the examples of exalted excellence and virtue in both; but these are to be multiplied everywhere and constantly. Yet will the moral safety of mankind rest mainly with woman :

"Spirits are not finely touched  
But to fine issues."

So said the master observer of the human heart. And finely touched spirits can alone reach to touch and mould the tender and impressionable heart of children, and leave upon it impressions that shall endure through life, and after life. For that duty, neither the father nor the teacher will adequately suffice. Their ruder appliances and tem-

per, the rude nature of the boy resists. It is the mother only that can soften his rugged tendencies ; and she alone is fitted to guide and impress the gentler sex. She alone has the patient endurance to continue the task of saving the son she has borne, when bent on vicious ways, hoping against hope, to save him from himself, for himself, for his family, and for his country ; and to save him for that family union hereafter, which she ever fervently prays may be complete, no one missing. It is from her maternal solicitude and ceaseless efforts, thus undesperingly exerted ; to her ministrations in the first and best temple of worship, next to the purified heart, the home, at whose altar she is priestess, that nearly all that is good may be traced ; and especially, that influence, that after many years of alienation, during which the heart has been pierced by many sorrows, will bring back to the native hearthstone the prodigal son. That this is her higher mission, and that she is better fitted for it than man, he need not be jealous; for so the Creator has willed it, and it is for the common good. Let it be his care to aid and never to thwart these her efforts, for they spring from sacred impulses. Their spheres are diverse ; and though his high duties be indispensable, hers upon the family are the more important, and the effects more enduring. A more important and elevated sphere she cannot attain and seldom should desire ; and she descends from the highest when she attempts to leave it, and not often attempts it without disparagement to herself. Yet woman is not to be too closely restricted to the indoor round of domestic cares, especially after her children have grown to an age to share them with her. Age often sets her free to fulfil the mission to which her generous nature prompts. In many charities, this nation and age, more than any other, have witnessed, how invaluable and devoted have been her self-sacrificing services, in behalf of the uneducated, the insane, and the poor; of the sick, the wounded, and the dying soldier. A censorious world must not, after this age of sacrifices, be indulged in its too great jealousy of woman's strivings to do all the good of which she is capable, to all human sufferers. Her sacred purpose, and the good accomplished, must sanctify her deeds in the breasts of all good men.

We are not disparaged, but exalted, and society and the nation is exalted, when woman is held in honor, and is enabled to dispense her best influences round us. An eloquent French author says truly, "If we wish, then, to know the political and moral condition of a state, we must ask what rank women hold in it. Their influence embraces the whole of life. A wife; a mother; two magical words, compris-

ing the sweetest sources of man's felicity. Theirs is the reign of beauty, of love, of reason. Always a reign! A man takes counsel of his wife; he obeys his mother; he obeys her long after she has ceased to live, and the ideas which he has received from her become principles stronger even than his passions." Aime Martin, to write thus, must have found good women in France; women to redeem their country from our too severe censures.

The inductions to be made from these truths are plain, and the duty the most imperative man can know, since the welfare of his posterity, the prosperity of his country, the enduring happiness of all human beings, are involved. Woman is to be trained with a fuller appreciation in herself of her high trust, and of her capacity for good or evil; and if she be good and worthy of her trust, man is to learn to confide in her generosity, to honor her, and to sustain her authority for good, as something better and greater than his own. His children are to be kept as much and as long under her control as possible, even while they are obtaining their school and college education, and under her influence for life. Women are to make home the happiest place in the world, and husbands and sons are there to find their happiness, and to cultivate kindness and the courtesies of life. If sometimes they seek amusements abroad, wife and sisters should share them. Let them seek no luxuries in selfish seclusion. Let this be their general practice, and how many drinking and gambling houses would there not cease to exist, and club-houses exist only for the cheerless unfortunates who have no family. Hotels would be for travellers; and haunts of vice, not to be named, would be few. The city at night would sleep in peace, its silence unprofaned by inebriate brawlers; prisons and almshouses become of diminished necessity. It is the homeless and traitors to home that cause the chief public charge. Then a public opinion could arise, now too feeble to suppress or restrict by law these sources of countless evils and sorrows, and woman be often saved the most terrible calamities ever inflicted upon humanity, and from which death only can relieve her.

It is not for us in America to boast of our advantages, but to express an overflowing gratitude for them, and leave examples that are good to exert their silent and enduring influences upon other peoples. We may not be boastful, for we yet see large room for improvement, and for the expansion of the good we witness. Yet may we rejoice in the testimony borne of us by recent travellers of the highest intelligence, who have marked a contrast favorable to us as compared with our parental nations of Europe. "You may estimate the mo-

rality of any population, when you have ascertained that of the women; and one cannot contemplate American society without admiration for the respect which there encircles the tie of marriage. The same sentiment existed to a like degree among no nations of antiquity; and the existing societies of Europe, in their corruption, have not even a conception of such purity of morals." (De Beaumont.) "The marriage tie is more sacred among American workmen than among the middle classes of various countries of Europe." (Chevallier.) "One of the first peculiarities that must strike a foreigner in the United States, is the deference paid universally to the sex, without regard to rank or station." (Lyell.)

Moral and religious influences have been dwelt upon as the sources of the welfare of the family, and through the family, of society. What, then, has or can the law do for the same object? It has done much, and may do more; yet the main reliance must ever be upon moral and religious influences that have their operation in the susceptibilities of the human heart. Volumes of law have been written on the domestic relations, defining the rights and duties of husband and wife, parent and child, guardian and ward, and master and servant. These are well and wisely written, yet have regard chiefly to property and government; but law cannot reach to enforce the moral and religious sentiments from which spring the highest culture and truest civilization.

The law has done much less than it might do, because public opinion, that springs from culture and civilization, has not sufficiently advanced to enact and maintain the laws needed for human reform. It is owing to this, that we have not laws adequately restrictive of intemperance, and do not enforce laws that exist against gambling and other vices.

The ancient and existing statutes against vagrancy are the law's assertion of the duty of every one to be a member of a family of fixed locality, and it provides a public habitation for all that have no home,—the Prison, Almshouse, or Refuge.

Law, public opinion, and the habits of our people, have been most beneficially operative in building our City of Philadelphia in an adaptation to the separate residence of each family, and consequently most favorably for the best family influences. Here is provided one house for nearly every family, and of a size and expense convenient for almost every family. When we consider that each house now built, of whatever size, generally has all the conveniences for fire, gas, water, and baths, and that in each may live a family upon the

moderate earnings of the artisan, independently of every other family, with more conveniences and comforts than the most wealthy enjoyed less than half a century ago, it is with a pleasing and grateful feeling that we contemplate the expansion of this largest city of our continent. Its expansions, too, are not like those of some cities, in narrow and uncleanly lanes and alleys, and by mean and neglected dwellings, but on some sides by houses of superior architectural style, and on others by rows of smaller dwellings, neat, cleanly, and complete in comfort. It is much more a cause of satisfaction to reflect that we have the largest city, with the best accommodations for its hundred thousand families, than to have a population of a million or more, compelled to live two or more families in a house. And the law provides, by supervision of inspectors and the enactment of penalties, that houses shall be substantially built, secure from fire, and with ample adjoining space for the admission of fresh air. No more narrow alleys or courts can be built upon for dwellings, nor any dwelling house without an open curtilage of 144 superficial feet. In such a city, when the old parts shall be rebuilt, there can be but few confined places to breed physical or moral disease and contagion, or riot and rebellion. To the providence of William Penn we owe it that public squares afford places of exercise and for fresh air to all families in the centre of our city; and the Consolidation Act makes it the duty of Councils to continue to provide them; a duty that is not sufficiently regarded, but a duty that should be fulfilled by purchases, and not by the arbitrary power of taking the property of the citizen at a price to be fixed by strangers to him, whom he has not selected, and would not trust.

The law has so provided for the education of children in our city and commonwealth, that every one may be educated at the public charge, without any expense to parents for books or tuition. So far as school education can make good members of the family, and good citizens, the law has provided the means, and parents are derelict to their duty who do not make this resource available for the improvement of their children. It is true the law does not coerce the attendance of the children at the schools, yet it is well for negligent parents to know that if their children prove vicious, for want of a proper home and school education, the public has such a paramount interest in them, and in their preservation from vagrancy, crime, and cost to the community, that the law has provided for their being taken charge of, to be better trained, protected, and educated, in the Children's Homes and Houses of Refuge, whence, as from the Almshouses,

they are bound apprentices in families, while other benevolent institutions and individuals are busy in promoting a juvenile emigration to the West, of exposed and destitute children, there to be absorbed healthfully and usefully into the respectable population of that teeming region. The right of parental control is a natural one, but is forfeitable when parents are derelict in duty to their children and the community, and may be superseded by the *parens patriæ*. (4 Whar. Rep. 11.) It is under this principle, sanctioned by the Supreme Court of the State of Pennsylvania, that vicious youth are placed in the House of Refuge, to be removed from temptation, and put under training and apprenticeship, to fit them for usefulness in society.

Parents should consider that they cannot think too highly of their privileges and responsibilities in respect to the public provisions made for the education of their children. None can say that within their own little family may not be cast those minds who are to be the benefactors of mankind and the light of the world, and that as well in the families of the poor as of the rich. "God is no respecter of persons." Great, then, is the privilege available to all, to have the provided means of developing the intellect that may afterwards self-achieve an endless good and undying renown. No parents, poor or rich, can say that there shall not be found among their little ones a future Augustine or Fenelon, a Galileo or Newton, a Luther or Latimer, a Franklin or Washington.

The law has long entertained the highest regard for the marriage relation, and the welfare of the family. Its policy, derived from the Roman civil law, is to encourage marriages, and the rearing of children, that they may become a strength to the state. As a general rule, the law in the disposition of property, permits of no legal restraint upon marriages, except during minority, and that only for the advantage of the inexperienced and the immature in judgment. Conditions annexed to legacies against marriage, are simply void, and the legacies absolute. The law's policy regards with disfavor the interference of any mercenary agency, and declares void all contracts of marriage brokerage. Its policy seeks that all influences shall be pure that are to lead to a consummation so holy as marriage; one that so much concerns the public welfare and private happiness. The law desires that mutual affection, alone, should be its attraction; and then there is a natural guarantee for the mutual happiness of the parents, and a faithful nurture and education of the children of the Republic. In this, as in all questions of wise public policy and pure morals, the

ethics of the Judiciary are perfect, and their rule inexorably applied. No man can successfully assert a claim in a court of justice through a wrong, or gain a case that is against sound public policy, or is infected by the taint of immorality.

While the law encourages marriages, its policy is not to encourage thriftless and unhappy marriages. These do not attain its desire any more than that of the parties concerned. It should be its policy, and the present improving public opinion that will in the future dictate its policy is, that women shall so share in industrial pursuits, that those single may both feel and be so independent as not to feel coerced, by circumstances, into unsuitable or improvident marriages. To this end the philanthropy of our age and country is largely engaged. The result will naturally be, that by making women more independent in character and circumstances, they will not only be rescued from a temptation to err, but be rescued from the dreary inanity of want of occupation, and become objects more worthy to be made, therefore more sure to be made, honored companions in lawful wedlock.

The common law of England was so much founded in a feudal and military policy, and in the necessity of a single head to represent the rights and duties of the family, that the legal existence of the wife was considered as merged in that of the husband. In the law they were one person, so that if lands were conveyed to husband and wife and their heirs, the survivor, as the continuation of that person, had the fee. By marriage the husband had an estate in the wife's lands as long as both lived, and if they had issue, he had a life estate, to continue after her decease, by the courtesy of England; and by marriage he became owner of her personal property. All this has been defended and maintained down to a recent date, as requisite to the necessary authority to be maintained in the head for the welfare of the family; but it assumes that the wife could not be trusted to exercise a sound discretion, or possess that affectionate interest in the welfare of all the members of her family, to induce her to make a wise disposition of her revenues for their common advantage and advancement. There are many instances where such distrust will be justified, but they are the instances to be avoided by wise and discreet men, who are seeking the wife to be the mother of their children. As the rule, it may be assumed that the wife and mother will be ever ready to give her income for the family wants, and is often but too ready to yield the capital also. The vicissitudes of business are such that it often occurs that the wife's property affords the happily

retained resource for rearing the family in respectability, when the husband's property has been swept away by the resistless tide of a commercial crisis, or, perhaps, been lost by his own indiscretions, not to say, his vices. Experience teaches, as the rule, that the wife's property should be settled to the separate use of herself and children, with such control over it, after her death, vested in the surviving husband, as will hold a worthy father in the respect of his children, and give him a salutary control over them.

Deeds of settlement, or trusts created by will, in times past, held the wife's property to her separate use; and these are yet the only safe reliance. It is true, recent legislation, in many of the States, declares that her property shall remain hers after marriage as before, and be subject to her own disposal by will, to which he must not be a witness, and it is not liable for his debts, during her life. This is well; yet is she exposed to an undue influence, and a coercion that the magistrate cannot probe. She cannot convey her property by deed without the husband joining with her, nor without herself undergoing a separate judicial examination. That is, she is not to convey without him, that she may have his protection against the imposition of others; nor without the judicial examination separate from him, that she may have the magistrate's protection against her husband's quite possible undue influence. The proceeds of the sale she may give to him in the absence of a trust. Each can dispose of his or her property separately by will, but with this exception, that the will of a husband is subject to the widow's right of election to reject the will, and in lieu of its provisions, take one-third of his real estate for life, if he leave issue, and one-third of the personalty forever; and if he died without any issue, her right of election will extend to one-half of his estate for such durations of time; and the wife's power of disposition of her property by will, is subject to his estate for life in the whole of her realty, and to his right to take in lieu of courtesy such share of her real and personal estate as she could have taken of his real and personal estate; that is, one-third or one-half, accordingly as she left issue or not, and for the same duration, of time. But her property held in trust would only go according to the limitations of the trust; or to the dispositions made under the powers expressly reserved or given to her by the trust instrument. A firm trustee is a great assistance to her in the preservation of her property, if her dispositions be required to be made with his consent.

It has been the good fortune of the writer to be enabled to effect legislation, to some extent, for the further benefit of the wife and

family. It is now the law of Pennsylvania, that whosoever any husband, from drunkenness, profligacy, or other cause, shall neglect or refuse to provide for his wife, or shall desert her, she shall have all the rights and privileges of a *feme sole* trader; that is, shall have ability, as a single woman, to make contracts and carry on business; and her property, real and personal, shall be subject to her free and absolute disposal during life, or by will, without any liability to be interfered with, or obtained by such husband, and in case of her intestacy, it shall go to her next of kin, as if he were previously dead. The mother is substituted to his former rights over their children, and she is to assume his duties; place them in employment and receive their earnings, and bind them apprentices; provided she be worthy of the trust, and the Court shall decree her this independent *status*; otherwise the Court is to appoint a guardian for the children. And no such husband, who shall have refused to provide for his children, for the year preceding his death, shall have the right to appoint for them a testamentary guardian. (Act of May 4, 1855.) Again, it had been the hardship of a deserted wife, that her own earnings might be recovered by her worthless husband; and he might himself be, or prompt another to be, her defamer, and yet she could maintain no action for redress, without its being in his name and subject to his control; for remedy whereof it is enacted, that the deserted wife, in case of defamation, or suit for her earnings, may maintain the action; and if her husband be the defendant in an action of defamation, she may sue in the name of a next friend. (Act April 11, 1856.) Thus the unworthy husband and father may forfeit his high position, and the worthy wife replace him in it. This righteous legislation came only after ages and centuries of injustice and wrong, and so far as known to the writer, only yet exists in one of these States.

It is the unhappiness of some persons, married and unmarried, to have no children on whom to bestow their care and affections, while others have more than they can conveniently provide for and educate; and there are often orphans without relatives to provide for them. It is provided by a section of the Act of 1855, that persons, by certain judicial proceedings, may adopt a child or children, and give them their names and all the rights of heirs, and the parties become, with reciprocal claims and rights, subject to all the duties of parents and child. This law may often fill a void in the family needful to its happiness, tend to equalize the blessings of life and fortune, and prove of inestimable advantage to orphans and other children destitute of provision. The natural parental and maternal love unblessed

by offspring may thus be satisfied, and life become a higher blessing to the adopting parents, by the consciousness of doing a present and future good, to unprovided and helpless children.

As great as are the advantages of marriage, and sacred as are its ties, the law cannot do less, from sheer humanity, than relieve the innocent party by divorce, when the other has so grievously violated the conditions of the compact, as to make the continuance of the relation a participation in guilt, or so oppressive as to make life burdensome or an intolerable slavery. The wrong would in such case be, to coerce a cohabitation, when it would be productive of consequences precisely the reverse of those intended by the institution. If either party has, by vicious habits, alienated him or herself from the duties that he or she engaged to fulfil, and has violated the solemn marriage promises and obligations, he or she is no longer one joined by God, but is already dissevered; therefore, the law says, as to those whom the Lord doth not longer join together, let man put asunder. In ancient times, except among the German nations, the husband generally divorced the wife at his pleasure or caprice, by himself giving her a writing of divorce; a power permitted the Jews by the law of Moses, as our Saviour said, because of the hardness of their hearts; but in Christian countries the power is only exerted by law, for causes reciprocally operative against a husband or wife, who has forfeited the marriage rights by a violation of its duties.

But, I repeat, it is not to law so much as to other influences that we are to look for human improvement through the family. These must be moral and religious influences. And is there not in these a philosophy fittingly to be spoken of in this Hall? The science that teaches us how to live and how to die must be the most important of philosophies; and the science is as sure and logical in its laws of cause and effect as any other science; and is so much the more important than any other, that it the most nearly concerns human happiness. It may be said, perhaps truly, that there can be little or nothing that is new to be disclosed in morals and religion. Though that should be conceded, one thing remains to be certain, that as long as we live we can always be advancing towards that standard of perfection, that we are bidden to strive to attain; a standard that we may but hope to approximate; a measure of improvement which the most civilized nation has not yet half fulfilled. From this delinquency the recovery must mainly be through the better training and education of the family.

But following from habit and example in the steps of our predecessors, we take too little thought of the capacities of improvement in ourselves and families. And though there seems to be little scope for an increase of learning in morals and religion, there is always great room for practical improvement. Each individual may ceaselessly increase his knowledge and improve his social manners and affections; and multiply the applications of known truths; and in every step of this progress other truths will dawn upon the mind with ceaseless increase of light and of the joy of life. Let not then the familiarity of the subject make us forgetful of the duty of observation, reflection, and advancement, in this small, ever present, and always interesting centre, but of ceaselessly expanding influence and power, the family.

In dwelling upon this familiar subject I have been led to consider how prone are mankind to overlook the significance of things most commonly present to them; and though the subject in hand may not admit of scientific discovery, yet the moral consequences to result from a better understanding of it, may so far surpass in practical benefits the most brilliant discoveries in physical science, as to make our labors in this field of practically the greatest importance to mankind. Physical discoveries are always most valuable; and if seemingly for nothing else, are so in the discovery of the Creative wisdom; but in practical purpose rise in importance as they minister to human welfare. Let us illustrate by a few instances how blind mankind have been to things the most familiar to them; as to which philosophers, some of them our predecessors in this Society, have made discoveries which have conferred glory upon their names and upon philosophy. All men, through all the lapse of time since men peopled the earth, had beheld the light with admiration, praise, and even worship; but thought it a simple element, until Newton analyzed its rays into the prismatic colors, although they had seen their prismatic separations as refracted by the atmosphere, before the rising and after the setting of the sun of every unclouded day, through all the ages of human existence. Men had always breathed this atmosphere, upon which we hang at every moment for its life-giving inspiration, and in all time they had supposed it to be another simple element, until our Dr. Priestley, in but the past generation, separated its simpler elements, and found one of its gases to be that which sustains alike combustion and life; the other to dilute that burning oxygen that else would destroy all life. The water, which all men drank as another necessity of life, they supposed to be another ele-

ment of nature, given as the conquering enemy of fire, was also divided into its constituent gases, and these, as recombined by the compound blowpipe of our Dr. Hare, produced a heat hotter than the thrice heated anthracite furnace. The lightning, which all mankind, of all ages, had beheld with wonder and superstitious awe, as it flashed through the skies, leaping from cloud to cloud and from heaven to earth, detonating in stunning thunders, was proved by our Dr. Franklin, as he drew it harmlessly from the sky, to be electricity; and now men make it bear their messages of business and command, with the lightning's speed, over this globe. And we see it, in this our day and country, performing duties of mightiest potency, since from the central capital it carries the commands that move the distant armies spread over our wide continent, in that concert of action that insures victory and safety to the legitimate Government of the nation.

These are discoveries most interesting, most useful, most brilliant; and no such discovery and renown can reward the reflections of him who devotes himself to the social, moral, and religious improvement of his fellow men. Yet let not the legislator, moralist, or the preacher, be discouraged, but console himself in this, that whatsoever good he may do shall achieve a success in a domain of yet higher import than all physical discoveries; that he may elevate the moral standard of humanity, and create a virtue and happiness that shall belong to two existences. If mankind shall fail in these, then will they fail in the highest purpose of the Creator, and make creation itself a failure. If this shall be the event, what then shall import all wealth, all power, all science, all knowledge? what this air we breathe, this earth we tread, and all its fruits; its bright waters, its glorious light and electrical coruscations; all that shall sustain all life, and all that shall yield to the physical philosophers their rich harvests of glory? They become worthless all, if man shall betray his highest trust and fall. If man prove worthless, these are worthless all! Truly, then, there is a philosophy that transcends and comprehends all other philosophies, the philosophy that teaches man how to live and how to die.

On motion of Mr. Fraley, Mr. Lesley was chosen Librarian for the ensuing year.

The Standing Committees for the year were then appointed, as follows:

*Committee on Finance.*—Mr. Fraley, Mr. J. F. James, Mr. Powell.